

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

UNITED STATES OF AMERICA

v.

ACTION NO. 2:05mj213

JONATHAN THOMAS SCHIDLE,

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 846.

The defendant has not rebutted the presumption established by the above finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the defendant engaged in a conspiracy to distribute both cocaine base and marijuana. Apparently he frequently exchanged

marijuana with cocaine base distributors during the course of the conspiracy. The evidence shows that he was in frequent contact with one of the main distributors of the conspiracy and has made at least a partial confession indicating that he purchased at least one and one-half kilos of crack cocaine during the conspiracy.

The defendant has been a lifelong member of the Norfolk, Virginia community. He has been at the same address for 17 years. He had the same employment from 1982 to March 18, 2005, as a produce manager at Farm Fresh. The defendant is currently unemployed and his assets and debts are approximately equal.

The defendant has used marijuana for approximately 30 years and cocaine base since about 1995. Therefore he has had a substantial and long-term abuse of drugs.

The defendant was convicted in 1983 of possession of marijuana misdemeanor, distribution of marijuana and possession of marijuana with intent to distribute.

Despite the defendant's long-term residence in this community, the Court FINDS that his recent termination of long-term employment, his long-term history of drug use, and the fact that he lives with individuals who continue to use drugs, indicate that the defendant is a risk of nonappearance at court and is a danger to the community for the continuing distribution of drugs.

The Court FINDS that because of the substantial possible penalties that this defendant faces in this case and the strength

of the evidence against him that there is a strong likelihood that the defendant will not appear for trial under any conditions of release. The Court further FINDS that the defendant is a danger to the community by his continuous and continuing drug dealing and should be detained pending the trial of this case. See United States v. Williams, 753 F.2d 329 (4th Cir. 1985).

There is a serious risk that the defendant will not appear.

There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk, to the United States Marshal at

Norfolk, to the United States Pretrial Services Office at Norfolk,
and to counsel of record for the defendant.

/s/

Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia

May 27, 2005

Nunc pro tunc May 26, 2005